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General Assembly

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Committee on Relations with the Host Country

Letter dated 20 July 2010 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

I have the honour to transmit copies of notes verbales dated 17 June 2010 and 28 June 2010, respectively (see annexes), that the United States Mission to the United Nations sent to the Permanent Mission of Nicaragua to the United Nations as bilateral replies to the latter's notes verbales dated 10 June 2010 and 26 June 2010, respectively, regarding the experiences of the Permanent Representative of Nicaragua upon her recent airport arrivals in the United States.

However, as the Permanent Mission of Nicaragua has chosen to raise the issues in the multilateral venue of this Committee, the United States Mission finds it necessary to briefly indicate the extraordinary efforts (made in the wake of the Permanent Representative's initial complaint regarding her airport arrival on 7 June) to accommodate the Nicaraguan Permanent Representative and the apparent inability of her Mission to follow procedures on a timely basis that Missions routinely follow in facilitating the airport arrivals of their Permanent Representatives and other dignitaries. The extensive e-mail correspondence between the two Missions attests to the apparent inability of the Permanent Mission staff to complete the online courtesies of the port form and forward it by electronic mail to the United States Mission. The United States Mission, the Department of State and the immigration authorities of the Department of Homeland Security undertook extraordinary efforts to facilitate the subsequent arrivals of the Nicaraguan Permanent Representative, despite the inability of the Permanent Mission of Nicaragua to follow these procedures. The State Department's Country Director for Nicaragua and the other Central American States went to the State Department on the United States national holiday to fill out the necessary forms himself on behalf of the Permanent Mission of Nicaragua with respect to the Permanent Representative's arrival, originally planned for 2 July but changed to 5 July with little advance notice. He and several other United States Government officials worked over the Independence Day weekend to accommodate the Nicaraguan Permanent Representative's last minute change in plans.

The Permanent Mission of Nicaragua repeatedly failed to submit the required forms, with accurate and complete required information, even crucial information

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such as the Permanent Representative's correct date of arrival and correct port of entry, on a timely basis. This greatly impeded the efforts of the United States authorities to avoid delays to the Permanent Representative on her subsequent arrivals into the United States. The United States stands ready to assist the Permanent Mission of Nicaragua as it would any other Mission regarding courtesies of the port on arrival. It is important, however, to note that extending courtesies of the port on arrival is a *courtesy*, and requires the active cooperation and participation of the Mission in filling out the necessary forms correctly and on a timely basis. It is also important to note that had the Permanent Representative of Nicaragua accepted the suggestion of the United States Mission contained in note HC-82-10 (see annex II) and solicited a new United States visa, the problems she experienced on her entry on 7 June could have been avoided for all subsequent entries into the United States.

I would request that you circulate the diplomatic notes and the present letter containing additional information as documents of the Committee on Relations with the Host Country.

(*Signed*) Russell F. **Graham**
Minister Counsellor for Host Country Affairs

Annex I to the letter dated 20 July 2010 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

Diplomatic note No. HC-82-10 dated 17 June 2010

The United States Mission to the United Nations presents its compliments to the Permanent Mission of Nicaragua to the United Nations and has the honour to reply to the latter's note MNI-190-2010 regarding the unfortunate events surrounding the arrival of the Permanent Representative, Ambassador Maria Rubiales de Chamorro, at John F. Kennedy Airport on 7 June 2010.

The United States Mission regrets the inconvenience experienced by Ambassador Rubiales. After having received the referenced note, the United States Mission contacted officers of United States Customs and Border Protection at Kennedy Airport and learned that an individual with a name very similar to that of the Ambassador had recently been placed on a watchlist. When the Ambassador arrived at the immigration inspection point on 7 June, the officer-in-charge found it necessary to take her to a separate room while the authorities attempted to determine definitively whether the Ambassador and the individual on the watchlist were the same person. When it became clear that they were not, the Ambassador was free to proceed.

The United States Mission has stressed to Customs and Border Protection that steps should be taken to avoid a repeat of these events in the future. In anticipation of the Ambassador's most recent arrival at Kennedy from overseas on 16 June, the United States Mission requested the Permanent Mission to submit a courtesies of the port request, which the United States Mission in turn forwarded to the Chief of Passenger Operations of United States Customs and Border Protection. It is our understanding that the Chief ensured the Ambassador's easy passage through immigration formalities on the morning of 16 June. If the Ambassador so desires and makes a new visa application, the United States Mission would be pleased to reissue a new G-1 visa with an annotation that will make it clear that she is not to be confused with the individual of a similar name. These steps should eliminate the chance that the events of 7 June are repeated, and would ensure that the Ambassador is treated in accordance with her status.

Annex II to the letter dated 20 July 2010 from the Minister Counsellor of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

Diplomatic note No. HC-86-10 dated 28 June 2010

The United States Mission to the United Nations presents its compliments to the Permanent Mission of Nicaragua to the United Nations and refers to the latter's note MNI-UN-126-2010 dated 26 June 2010.

The United States Mission regrets the inconvenience caused to the Permanent Representative, Ambassador Maria Rubiales de Chamorro, who was briefly held for questioning on arrival at Miami International Airport on Saturday, 26 June. It is this Mission's understanding that United States Customs and Border Protection and the Deputy Assistant Secretary of State responsible for Central America have already apologized to the Ambassador.

As the Permanent Mission is aware, Ambassador Rubiales is eligible for courtesies of the port, and discussions were held between the Permanent Mission of Nicaragua and the United States Mission on Friday, 25 June 2010 with regard to her upcoming arrival in New York on 2 July. During those discussions, no mention was made of Ambassador Rubiales's plans to arrive at Miami on Saturday, 26 June, so the United States Mission was surprised to note on Monday morning, 28 June, that a request for courtesies of the port in favour of Ambassador Rubiales had arrived after the close of business on 25 June. The United States Mission respectfully reminds the Permanent Mission that requests for courtesies of the port should be submitted two business days prior to the scheduled arrival of the dignitary concerned, and should not be submitted on Fridays after 3 p.m. Except during the period of the general debate each September, neither the United States Mission nor the Department of State is staffed over the weekend to deal with last-minute airport arrival and departure requests that arrive after normal business hours.

The United States Mission is pleased that the Permanent Mission has forwarded a corrected port courtesies request for Ambassador Rubiales's arrival at Kennedy Airport in the early morning hours of 2 July, and expects that this arrival will go smoothly and with no inconvenience.

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Committee on Relations with the Host Country

Letter dated 29 July 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Chair of the Committee on Relations with the Host Country

I have the honour to attach herewith a copy of a note verbale dated 26 July 2010 addressed to the Permanent Mission of the United States to the United Nations (see annex) and I kindly request that you circulate the present letter and its annex as an official document of the Committee on Relations with the Host Country.

(*Signed*) Mr. Rodolfo **Benitez Versón**
Ambassador
Chargé d'affaires

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Annex to the letter dated 29 July 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Chair of the Committee on Relations with the Host Country

The Permanent Mission of Cuba to the United Nations presents its compliments to the United States Mission to the United Nations and, wishes to inform it that, on Friday 23 July 2010 at 11:09 a.m., a group of around 12 people gathered in front of the entrance doors of the Mission's building, shouting offensive and insulting slogans, blocking the staff's comings and goings and disturbing the peace and proper functioning of the diplomatic Mission.

This provocative and dangerous incident clearly violated the procedures established in United States Mission's Note of 9 June 1995 aiming to eliminate potential clashes and conditions considered as interference with the performance of the functions of the Mission of Cuba.

It is of great concern that different incidents have been repeatedly occurring in front of the Mission of Cuba and that no effective measures have been taken to prevent them. The Mission of Cuba has been timely in informing the United States Mission about all such incidents.

In the case of the above-mentioned incident of 23 July, the Permanent Mission of Cuba even alerted the United States authorities 24 hours in advance, through the appropriate channels, of the intentions of the provocative group for the following day.

In addition, immediately after the incident started on 23 July, the United States authorities were notified by the Mission of Cuba. Nevertheless, the New York Police only arrived at the Mission at 11:24 a.m., 15 minutes after the group had already blocked the entrance doors of the Mission. Upon the arrival of the police, the group quickly crossed Lexington Avenue and gathered in front of the Mission along the west sidewalk on Lexington Avenue. The police remained in the site for just three minutes and left at 11:27 a.m.

The United States Government will be the only party responsible for any violent incident resulting from the impunity with which provocative groups are allowed to threaten the security and protection of the Mission of Cuba and to hinder the normal performance of its functions.

Once more, the Permanent Mission of Cuba to the United Nations calls for the United States Mission to take the necessary measures to comply with the Vienna Convention on Diplomatic Relations of 1961, the Headquarters Agreement and the procedures established in note verbale HC-33-95, as well as to prevent the repetition of actions impeding the normal performance of the diplomatic functions of the Mission of Cuba to the United Nations.

New York, 26 July 2010

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16 August 2010

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Committee on Relations with the Host Country

Letter dated 10 August 2010 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

I have the honour to enclose a copy of a note verbale dated 5 August 2010 that has been sent by the United States Mission to the Permanent Mission of Cuba to the United Nations in response to its note of 26 July 2010 regarding a demonstration at that Mission's premises (see annex).

I request that you circulate the attached diplomatic note as a document of the Committee on Relations with the Host Country.

(*Signed*) Russell F. **Graham**
Minister Counsellor for
Host Country Affairs

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Annex to the letter dated 10 August 2010 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

The United States Mission to the United Nations presents its compliments to the Permanent Mission of Cuba to the United Nations and refers to the latter's note verbale of 26 July 2010 regarding a small demonstration that took place, initially in front of the Permanent Mission, and subsequently across Lexington Avenue, on Friday, 23 July 2010.

A record provided to the United States Mission by the 17th Precinct of the New York City Police Department indicates that the Permanent Mission called the 911 emergency response number at 11.19 a.m. on 23 July from a Cuban Mission telephone line that was recorded as having been 212-689-2356. The record further shows that the police responded to the Mission three minutes later, at 11.22 a.m., and reported that at that time there were no demonstrators in front of the Permanent Mission, the demonstrators having moved across Lexington Avenue of their own will, to the approved demonstration area.

The New York City Police Department reports that their officers departed the vicinity of the Mission at 11.26 a.m., doing so only after the police determined that the group of demonstrators posed no threat to the Permanent Mission, its members or the public at large.

The United States Mission therefore views the police response as rapid, appropriate and wholly satisfactory.

The United States Mission would also note that rapidity and adequacy of the response is the result, in part, of the good coordination between the Permanent Mission of Cuba and the Department of State's Diplomatic Security Service at a meeting that took place between those two entities on 22 July 2010. Following that meeting, the Diplomatic Security Service contacted the New York City Police Department to advise it of the possibility of an unannounced demonstration at the Cuban Mission on the following day. Because there was no indication as to what time the demonstration might begin, the police did not dispatch officers to the Mission, but provided a directed patrol of the immediate area. This enabled the police to respond unusually rapidly to the Mission premises once Mission personnel called the 911 line. The United States Mission is also aware of a demonstration that took place on Monday, 26 July, at the Mission. As that demonstration was scheduled rather than impromptu and was therefore known to the police, police were deployed to the Cuban Mission in advance of and for the entire time the demonstrators were present in the area of the Mission.

The host country and the New York Police Department remain committed to ensuring the physical security of the Permanent Mission and of its members, and count on the continuing valuable cooperation of the Permanent Mission in informing United States and New York City authorities whenever it believes an unannounced demonstration or other disruption might occur.

The United States Mission to the United Nations avails itself of this opportunity to renew to the Permanent Mission of Cuba to the United Nations the assurances of its highest consideration.